

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL NO. 1456

THIS DOCUMENT RELATES TO:

TRACK 2 SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**CLASS COUNSEL'S MOTION FOR AN EXTENSION OF TIME IN WHICH TO
RESPOND TO OBJECTOR CORINNA CONNICK'S MOTION TO INTERVENE**

Counsel for Plaintiffs hereby move for an order extending the time for Plaintiffs to respond to Objector Corinna Connick's Motion to Intervene (Dkt. No. 5941). In support of this motion, Plaintiffs state as follows:

1. On March 4, 2009, Objector Corinna Connick filed her Motion to Intervene. Plaintiffs' response is presently due March 18, 2009.
2. On March 9, 2009, Objector Corinna Connick also filed an objection to the Track 2 Settlement, along with objectors John and Connie Pentz (Dkt. No. 5947). Per the Court's January 7, 2009 Order Revising Certain Dates Related to the Track Two Settlement (Dkt. No. 5803-2), responses to objections are due to be filed on March 30, 2009.
3. Plaintiffs request a brief extension to respond to the Motion to Intervene so that they may respond to both the Motion and Ms. Connick's Objection simultaneously. Plaintiffs believe that this short extension should be granted for three reasons:
 - a. First, the Motion to Intervene and the Objection raise overlapping issues. Indeed, they both press the central issue of whether the settlement extinguishes the claims of cash payors without consideration. Plaintiffs submit that a coordinated response to

both the Motion to Intervene and the Objection is necessary and will conserve the resources of the Court and the parties.

b. Second, Plaintiffs are taking minimal discovery of Ms. Connick, and this discovery will not be complete until March 30, 2009.

c. Third, the brief extension requested will not delay resolution of the issues, as the Court is likely to consider both the Motion to Intervene and the Objection at the April 27, 2009 final approval hearing.

4. Class Counsel has conferred with counsel for Ms. Connick, and they do not oppose this requested extension.

WHEREFORE, the Plaintiffs respectfully request the Court enter an Order extending the deadline for Plaintiffs to respond to Objector Corinna Connick's Motion to Intervene. The new due date would be March 30, 2009.

DATED: March 16, 2009.

By /s/ Steve W. Berman
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CLASS COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **CLASS COUNSEL'S MOTION FOR AN EXTENSION OF TIME IN WHICH TO RESPOND TO OBJECTOR CORINNA CONNICK'S MOTION TO INTERVENE**, to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on March 16, 2009, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Steve W. Berman

Steve W. Berman